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# The situation in Afghanistan and its implications for international peace and security

## Report of the Secretary-General

## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/6 and Security Council resolution 1746 (2007), in which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) until 23 March 2008. The report reviews the activities of UNAMA since my last report, dated 21 September 2007 (A/62/345-S/2007/555). The Security Council received an oral briefing on the situation in Afghanistan on 15 October 2007.

## II. Overview

2. Two years after the adoption of the Afghanistan Compact, the political transition continues to face serious challenges. The Taliban and related armed groups and the drug economy represent fundamental threats to still-fragile political, economic and social institutions. Despite tactical successes by national and international military forces, the anti-Government elements are far from defeated. Thirty-six out of 376 districts, including most districts in the east, south-east and south, remain largely inaccessible to Afghan officials and aid workers. This hinders the delivery of humanitarian assistance to vulnerable people, a situation exacerbated by the harsh weather conditions of the past few months. Meanwhile, poor governance and limited development efforts, particularly at the provincial and district levels, continue to result in political alienation that both directly and indirectly sustains anti-Government elements.

3. Against this background of concern, the Government has identified improving subnational Government as a priority. The effort of the Independent Directorate for

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Local Governance to reconnect provincial administrations to central Government structures has begun to bear fruit. Further, the initiative demonstrates that the Government fully recognizes the extent to which corruption undermines its credibility and fosters public mistrust, which is, at the very least, a prerequisite for decisive action to address the problem. Equally, through active preparation for and engagement in the seventh meeting of the Joint Coordination and Monitoring Board, in Tokyo on 6 February, the Government has demonstrated a renewed commitment to tackling the narcotics problem with the support of its international partners.

4. On another positive note, the international community remains strongly engaged in Afghanistan. More efforts, however, are needed to improve the impact and coordination of aid and to ensure that international assistance is driven by demand rather than by supply and is prioritized according to Afghan needs. In this respect, the United Nations stands ready to respond to recent calls to assume a more central role in the coordination of international assistance to Afghanistan. In order to perform this role effectively, however, all parties concerned need to firmly commit to working together in closer cooperation, in support of the Government of Afghanistan.

# III. Key political developments

## A. National Assembly, political parties and elections

5. Over the past few months, the Lower House (Wolesi Jirga) of the National Assembly has submitted a number of laws and agreements to the Upper House (Meshrano Jirga) for approval, including the labour law, the mines law, the cooperatives law and the Framework Convention on Tobacco Control. In addition, following hearings, the Wolesi Jirga confirmed presidential nominees for the positions of Minister for Refugees, Head of the Central Bank and the final Justice of the Supreme Court.

6. While these examples demonstrate that the relationship between the legislature and the executive branch can produce positive results, important tensions still exist. After extensive debate, the media law was approved by both Houses, but was rejected by the President on the grounds that it was too restrictive. At its seventh meeting the Joint Coordination and Monitoring Board called for early adoption of the law in accordance with the basic principles of freedom of expression enshrined in the Afghan Constitution and international human rights treaties to which Afghanistan is a party.

7. Tensions between the executive and legislative branches were also heightened following a suicide attack against a parliamentary delegation visiting Baghlan, in which the spokesperson of the opposition was among those killed (see para. 19 below). The Wolesi Jirga called for a number of Government officials to be suspended for their failure to ensure security. Following a closed session held in November 2007, in early December the Wolesi Jirga submitted to the President a draft national security proposal recommending that the Afghan National Army (ANA) and Afghan National Police (ANP) be strengthened; that consideration be given to reconciling with anti-Government elements; and that coordination between international military and Afghan forces be improved. The executive has not yet responded to the proposal.

8. Both the executive and legislative branches have begun to focus on the upcoming elections. The Government approved a draft electoral law in November, which is being reviewed by the National Assembly. Parliamentarians have appealed for inputs from all Afghan political stakeholders in an attempt to harmonize views on contentious issues such as the electoral system. Both the electoral law and a draft law regulating the structure, duties and responsibilities of the Afghan Independent Electoral Commission need to be urgently adopted for elections to be held, as currently scheduled, in 2009 and 2010.

9. Discussions are also being held on the possibility of holding presidential and parliamentary elections simultaneously, rather than one year apart. From a technical point of view, the first option would be more cost-effective. There are a number of constitutional and legal issues, however, that must be agreed upon if such a harmonization is to take place. The President has requested the three branches of Government to consider the feasibility of holding simultaneous elections in 2009 or 2010. While the Wolesi Jirga voted on 13 February to hold separate elections, discussions are continuing in the Meshrano Jirga and other branches of government. At its seventh meeting the Joint Coordination and Monitoring Board highlighted the need for the Government of Afghanistan to make an urgent decision on the election calendar so that planning and voter registration can move forward.

10. The next elections will be the first to be administered by the Afghan authorities since the Bonn agreement. The United Nations is providing assistance to the Afghan Independent Electoral Commission in its preparations for the elections and the voter registration process. The Electoral Assistance Division of the Department of Political Affairs conducted a needs-assessment mission to Afghanistan in late 2007. The mission consulted with Government officials, parliamentarians and representatives of political parties and the judiciary, and worked closely with the Electoral Commission, representatives of the international community and United Nations agencies to identify potential areas for United Nations electoral assistance.

## B. Provincial developments

11. Provinces not affected by anti-Government violence have demonstrated an increasing capacity for delivering governance and economic development. In the eastern region, particularly the provinces of Nangarhar and Kunar, the local Government has been able to strengthen its relationship with local communities. ANA and ANP have begun to establish a presence in areas that were previously controlled by insurgents. Such intensified efforts by the Government to deliver security and basic services at the local level reflect increasing recognition that the public's confidence in the Government is essential to ensuring stability.

12. In the western province of Farah, however, insurgents were able to temporarily seize control of several district centres. In those areas, local police and militia forces have been the object of numerous complaints from the population, alleging their involvement in organized crime and narco-trafficking, as well as collusion with the Taliban. The absence of the International Security Assistance Force (ISAF) or reliable Afghan national security forces also enabled relatively small roving groups of insurgents to launch attacks where and when they chose.

13. After the withdrawal of ISAF troops from Musa Qala in early September 2006 and the subsequent takeover of the district by the Taliban in January 2007, the area remained beyond the reach of the Government of Afghanistan. Musa Qala was also one of the few districts in which the Taliban established their own administration and judiciary. The town was retaken by the Government in mid-December 2007, following a military operation, requested by local leaders, which was planned and led by ANA and supported by international military forces. In spite of that operation, the situation in Musa Qala remains tense and the Taliban continue to exert influence in a number of surrounding districts.

### C. Regional environment

14. On 20 October 2007, Afghanistan hosted the seventeenth meeting of the Council of Ministers of the Economic Cooperation Organization in Herat. The main focus of the meeting was on completing regional transportation and energy infrastructure, as well as on creating an enabling business environment. Subsequent meetings between Afghanistan and its regional partners resulted in the signing of a $500 million agreement on delivering electricity from Tajikistan and Kyrgyzstan to Afghanistan and Pakistan and the adoption of the Kabul Declaration on Promoting Regional Electricity Cooperation between Central and South Asia.

15. Afghanistan and the Islamic Republic of Iran continued efforts to find mutually acceptable solutions to the problem of Afghan refugees and illegal migrants. In 2007, only 7,054 registered Afghan refugees in the Islamic Republic of Iran chose to return home, while more than 363,000 unregistered Afghans have been forcibly returned from there to Afghanistan since April 2007. On 16 January 2008, following a formal protest from the Government of Afghanistan against the deportations conducted the previous day, and in the light of the unusually severe winter conditions, the Islamic Republic of Iran agreed to suspend the expulsion of illegal Afghan residents. The two countries are now negotiating an agreement on the terms of the Islamic Republic of Iran's offer to issue 300,000 work visas for Afghan citizens.

16. The relationship between Pakistan and Afghanistan remains crucial to stability in Afghanistan and the region. During President Karzai's visit to Islamabad on 26 and 27 December 2007, which built on the successful peace jirga of August 2007, the leaders of both countries referred to extremism and terrorism as their common enemy and expressed their resolve to combat it by further improving existing mechanisms for the exchange of information. It is expected that the momentum from these positive developments will continue, particularly in terms of the holding of the second round of the peace jirga, which was suspended until the holding of the elections in Pakistan.

## IV. Security

17. In 2007 the level of insurgent and terrorist activity increased sharply from that of the previous year. An average of 566 incidents per month was recorded in 2007, compared to 425 per month in the previous year. Of the over 8,000 conflict-related fatalities in 2007, over 1,500 were civilians.

18. Afghanistan remains roughly divided between the generally more stable west and north, where security problems are linked to factionalism and criminality, and the south and east characterized by an increasingly coordinated insurgency. In fact, even within the south, conflict has been concentrated in a fairly small area: 70 per cent of security incidents occurred in 10 per cent (40) of Afghanistan's districts, home to 6 per cent of the country's population. A worrying trend, however, was the gradual emergence of insurgent activity in the far north-west of the country, an area that had been calm, as well as encroachment by the insurgency into Logar and Wardak provinces, which border Kabul.

19. The tactics of the anti-Government elements changed noticeably in 2007. The superiority of Afghan and international security forces in conventional battles has forced opposing groups to adopt small-scale, asymmetric tactics aimed largely at the Afghan National Security Forces and, in some cases, civilians: improvised explosive devices, suicide attacks, assassinations and abductions. There were 160 actual suicide attacks in 2007, with a further 68 thwarted attempts, compared to 123 actual and 17 thwarted in 2006. An attack against a parliamentary delegation visiting Baghlan province killed the spokesperson for the opposition, Sayed Mustafa Kazemi, and resulted in the deaths of at least 63 other persons, including 6 children. On 14 January 2008, terrorists attacked the Serena Hotel in Kabul. Eight people were killed in the attack and nine injured, some of them Afghans and some from other countries. On 17 February 2008, in the country's bloodiest attack since 2001, a suicide bomber killed 67 civilians and 13 ANP personnel, including the District Commander, and wounded 90 others in Arghandab district, near Kandahar. The next day, 35 civilians were killed and 28 other persons, including three ISAF soldiers, were injured when a vehicle-borne improvised explosive device hit an ISAF convoy in the border town of Spin Boldak. Although the insurgency has support in and draws strength from elements within the Afghan community, the support of foreign-based networks in providing leadership, planning, training, funding and equipment clearly remains crucial to its viability.

20. Of particular concern has been the increase in the number of attacks against local and international humanitarian workers. Over 40 convoys delivering food aid for the World Food Programme (WFP) were attacked and looted in 2007. In over 130 attacks against humanitarian programmes, 40 humanitarian workers were killed and 89 abducted, of whom seven were later killed by their captors.

# V. Security sector and rule of law

## A. Afghan security forces

21. ANA currently has a fielded strength of over 49,000, as compared to the 80,000 recently endorsed at the seventh meeting of the Joint Coordination and Monitoring Board. It will be primarily a light infantry force composed of 13 infantry brigades, 1 commando brigade and 1 mechanized brigade organized into five corps. ANA is, however, forced to fight an insurgency as it builds its strength in the short term, while also trying to develop a professional cadre for the longer term. Its ability to meet these challenges will rely largely on the capacity of ISAF to field sufficient operational mentoring teams.

22. In terms of professionalism and performance, ANP continues to lag behind ANA. Reform initiatives have been slow to take effect, corruption remains a significant problem and fiscal, personnel, materiel and weapons accountability processes remain unreliable. A headcount of ANP conducted in August and September 2007 uncovered major discrepancies between the actual number of its personnel on the ground and those on the payroll. As a result, in October 2007 the Joint Coordination and Monitoring Board, at its sixth meeting, called for a review of the quality and structures of ANP as well as for a report on actions taken to harmonize the payroll with actual police numbers. At its seventh meeting the Joint Coordination and Monitoring Board called on the International Police Coordination Board, which coordinates all international efforts to support the reform of the Ministry of the Interior and ANP, to develop an overarching reform strategy for the police, balancing the needs of law enforcement and counter-insurgency.

## B. International forces and civil-military coordination

23. ISAF, with its current strength of 41,700 troops, conducted several successful operations in unstable areas and continued to provide valuable assistance through its provincial reconstruction teams. On the other hand, its effectiveness is hampered by insufficient troop strength and by national caveats limiting the functions of some troops. Coordination with the Afghan national security forces and the international community has improved, and the ISAF operational mentor and liaison teams are proving to be an effective vector for increasing the Afghanization of security. Significant decisions will also need to be made in 2008 on the short-term deployment of 3,200 United States Marines and on how to harmonize the activities of the provincial reconstruction teams. In 2008 an important rebalancing of responsibility will be required between ISAF and the Afghan national security forces in respect of leadership and primacy in the security field, as the latter become more capable.

## C. Rule of law

24. The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review. The Ministry, as well as the Supreme Court and the Attorney-General's Office, continue to experience a significant lack of resources, infrastructure and qualified and experienced judges and prosecutors. The establishment of the National Legal Training Centre has resulted in the provision of "stage" training to those being inducted for judicial or prosecutorial service. However, threats and bribery make it difficult to recruit, deploy and retain qualified justice officials of integrity in areas where they are most needed. Low salaries also contribute to creating conditions conducive to corruption. Further, the lack of transparent and merit-based processes for appointments and career advancement and the absence of effective and fair mechanisms for investigating ethical-code violations result in insufficient accountability, undermining public trust in the judicial system.

25. While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal

rights and processes is limited. Data from the Ministry of Justice, for example, show that 20 per cent of children in custodial institutions are accused of offences that are not crimes under Afghan law, such as running away from home. Further, a recent study of 22 provincial juvenile facilities by the United Nations Children's Fund (UNICEF) and the Afghanistan Independent Human Rights Commission pointed to a general lack of due process in the juvenile justice system. The study revealed that only 24 per cent of juveniles had contact with a lawyer during detention, 56 per cent reported that their statement was not given voluntarily and only 9 per cent were advised of their rights upon arrest.

26. Nevertheless, there have been slow improvements in infrastructure development for the legal system, and a private corps of lawyers continues to grow. The November 2007 advocates law permitted the establishment of an independent bar association with over 400 registered attorneys. The law also reassigned responsibility for providing legal aid from the Supreme Court to the Ministry of Justice, whose new legal aid unit is receiving greater support from international and national stakeholders. Following the July 2007 Rome Conference on the Rule of Law in Afghanistan, the national justice sector strategy was developed, as well as the National Justice Programme, which will, over the next three years, focus on strengthening Afghan capacity to deliver legal services with integrity and accountability, ensure public access to courts and legal aid and improve public awareness of legal rights and processes, while promoting the coordination of donor activities. Eight short-term projects addressing immediate needs of the justice sector have already been funded and are currently being implemented.

## D. Mine action

27. The issue of landmines and explosive remnants of war continues to be a significant threat to the Afghan population and an impediment to recovery, with over 700 square kilometres of land still suspected of containing landmines or other munitions. In 2007, 138 persons were killed and 429 others injured by landmines and explosive remnants of war, of whom approximately 50 per cent were children. During the report period, the United Nations-managed Mine Action Centre for Afghanistan continued to coordinate the Mine Action Programme for Afghanistan with 23 implementing partners. The Programme cleared approximately 168 square kilometres of land, resulting in the destruction of 26,401 anti-personnel landmines, 649 anti-tank landmines and 1,659,302 items of unexploded ordnance.

28. Afghanistan achieved a number of key national milestones in the area of mine action during the reporting period. The United Nations assisted the Government in fulfilling its obligation under article IV of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its National Development Strategy benchmark by destroying the last of all known stockpiles of anti-personnel landmines in October 2007. In December 2007, a mine action symposium, organized by the Ministry of Foreign Affairs with United Nations support, resulted in an agreement for the establishment of an inter-ministerial body, which will provide governmental oversight of mine action nationally and facilitate the transition of responsibility from the United Nations to the Government.

## E. Counter-narcotics

29. Since my last report, counter-narcotics efforts have gained significant momentum. In response to the alarming increase in opium cultivation and production in 2007, the problem was extensively debated in the Policy Action Group, by the Afghanistan National Development Strategy working group, by the Government Oversight Committee and by the Joint Coordination and Monitoring Board at its seventh meeting. During the reporting period, a United Nations Office on Drugs and Crime adviser supported the Ministry of Counter-Narcotics in reconciling diverse positions on counter-narcotics efforts within the Government and the international community, identifying areas of consensus and producing an agreement on priority actions to be taken. At its seventh meeting the Joint Coordination and Monitoring Board endorsed the Government's Prioritized Implementation Plan for the National Drug Control Strategy, which includes an eradication target of 50,000 hectares for 2008, focusing on large landowners where possible. The Government will provide force protection to counter-narcotics operations, bearing in mind the powerful link between the drug industry and the insurgency. The plan strongly emphasizes the importance of alternative development, a province-centred approach and strengthened donor support for the Counter-Narcotics Trust Fund, the successful restructuring of which is essential to its improved performance. The overriding challenge now remains delivery. There is an urgent need to strengthen enforcement activities, not only on eradication but also on interdiction of trafficking in illicit drugs (including chemical precursors) and dismantling of production facilities.

30. The implementation of the national drug control strategy has been limited, although, following the announcement of the 2007 opium production figures, interdiction efforts increased marginally, in part because of support from ISAF and improved delivery by the Criminal Justice Task Force, which deals with major drug offenders. Significantly, the Independent Directorate for Local Governance announced that provincial governors would be evaluated on their performance in respect of counter-narcotics obligations. There is an urgent need for strengthened counter-narcotics leadership based on clarity regarding the roles and responsibilities of the Ministry of Counter-Narcotics and other relevant authorities. While the Joint Coordination and Monitoring Board was informed at its seventh meeting that General Khodaidad, Acting Minister for Counter-Narcotics for over seven months, had been appointed Minister, at the time of writing, the confirmation of his appointment was pending in the parliament.

31. In 2008 opium-poppy cultivation is not expected to change significantly, according to the Opium Winter Rapid Assessment Survey issued by the United Nations Office on Drugs and Crime in February. Cultivation remains concentrated, and is likely to increase, in the insurgency-affected provinces in the south and west. No major change is expected in Helmand province, which accounted for over half of Afghan production last year. While, on a positive note, 12 provinces are expected to remain free of opium cultivation this year, Afghanistan is emerging as one of the largest suppliers of cannabis in the world, with an estimated 70,000 hectares of cannabis crops cultivated in 2007.

### F. Disbandment of illegal armed groups

32. Progress has been made on the disbandment of illegal armed groups. Out of 51 targeted districts, 21 have complied with the programme, and 161 illegal armed groups were disbanded. Over 1,050 individuals were arrested or disarmed and 5,700 weapons confiscated. The Afghanistan New Beginnings Programme supported by the United Nations Development Programme (UNDP), continues to promote capacity-building, in particular through the establishment of a dedicated cell for the disbandment of illegal armed groups, within the Ministry of the Interior, to support the transition to full Government control of the disarmament process.

## VI. Governance

33. On 30 August 2007, the Government established the Independent Directorate for Local Governance, in acknowledgement of the importance of improving governance at the subnational level. The Independent Directorate is responsible for the supervision of provincial governors, district administrators and municipalities and for providing support to provincial councils. The merging of all subnational administration organs should enhance accountability for the provision of services to local communities.

34. The Independent Directorate for Local Governance is striving to connect the Government to communities across the country, particularly in provinces where the security situation is unstable. In Wardak province, the Independent Directorate conducted field visits and employed local leaders to monitor service delivery. In Musa Qala, the leadership of the Independent Directorate resulted in improved coordination between the Government and the international community. Initial steps have been taken to improve the implementation of provincial and district-level efforts on governance, police reform, rule of law, disbandment of illegal armed groups and counter-narcotics. The Independent Directorate is also seeking to improve the performance of provincial development committees. Over the past six months, five provincial governors vetted by the Independent Directorate for Local Governance have been appointed by the President.

35. The Government has taken steps to address the growing problem of corruption. In August 2006, an inter-institutional committee was established to assess corruption in the public sector; a draft national anti-corruption strategy has been developed, with assessments of ministries to evaluate their vulnerability to corruption being carried out, both with the support of UNDP and the United Nations Office on Drugs and Crime; and the United Nations Convention against Corruption, signed in August 2007, awaits formal ratification. In the interim, the Ministry of Justice has carried out a study on legal provisions in need of amendment to ensure conformity with that Convention. While anti-corruption action is welcome and necessary, additional clarity is required on the roles of the various bodies established to deal with corruption. In addition, the Advisory Board on Senior Appointments, established in September 2006 and a Compact benchmark, is yet to become fully operational. At its seventh meeting, the Joint Coordination and Monitoring Board called for the rules of procedure of the Advisory Board to be decided upon and implemented before the next meeting of the Joint Coordination and Monitoring Board, scheduled for May 2008.

# VII. Human rights

36. Throughout 2007, progress on human rights in Afghanistan was limited. The media and civil society have little scope to discuss human rights issues and to call Government officials and other power brokers to account. Some continue to argue that human rights contradict local traditions and are a "luxury" Afghanistan cannot afford.

37. The United Nations High Commissioner for Human Rights, during her visit to Afghanistan in November 2007, addressed these arguments, stressing the need for the Government and its international partners to reaffirm the centrality of human rights to peace, security and the rule of law. The High Commissioner also expressed her disappointment at the lack of progress on transitional justice and called for a recommitment to an approach that includes truth-seeking and rehabilitation. UNAMA is working with the Government, relevant stakeholders and civil society to revitalize the Action Plan on Peace, Reconciliation and Justice and adopt a more victim-centred approach. While civil society groups are increasingly active on transitional justice, those who are calling for justice and investigating or reporting on human rights abuses are often harassed, threatened or censored.

38. Freedom of expression is increasingly under threat from anti-Government elements, which use tactics of intimidation, as well as from restrictions placed on journalists and media outlets by the Government itself. In November 2007, the Ministry of Information and Culture issued a circular requesting all electronic media to refrain from broadcasting content that might "disturb the public". In January 2008, a journalist was sentenced to death for blasphemy by a first instance court in closed session and without a defence lawyer. The case has garnered international attention and sparked debate on freedom of expression within Afghanistan.

39. The case of the journalist exemplifies the serious shortcomings of the criminal justice system of Afghanistan, as also confirmed by the October 2007 joint UNAMA and Afghanistan Independent Human Rights Commission Arbitrary Detention Verification Campaign update and by the UNAMA Legal System Observation Project. The 15 death sentences carried out in Kabul on 7 October 2007, by a firing squad and in secret, are of grave concern. While bearing in mind recent calls by the General Assembly for a moratorium on the death penalty, international human rights obligations require Afghanistan not to carry out death sentences unless the highest standards of due process have been respected.

40. Cases of torture and ill-treatment of detainees held by the Afghan authorities continue to be reported. In this regard, the absence of effective oversight of the National Directorate for Security is of particular concern. UNAMA is unable to assess allegations of prolonged and arbitrary detention and ill-treatment in places of detention run by international military forces, such as Bagram, because unsupervised access has not yet been granted.

41. Children continue to be the victims of insurgency-related violence. Significantly, the Taliban have been listed in the report of the Secretary-General on children and armed conflict (A/62/609-S/2007/757), triggering United Nations consultations for the establishment of a monitoring and reporting mechanism on violations against children by armed groups, as called for in Security Council resolution 1612 (2005).

## A. Protection of civilians

42. There is substantial evidence that anti-Government elements, as part of a campaign of intimidation, have targeted civilians seen to be supporting the Government. Inadequate measures to prevent civilian casualties by international forces have also resulted in several serious incidents. In response, procedures regarding escalation of force and standard operating procedures for aerial engagement have been reviewed by international forces.

43. UNAMA and the Afghanistan Independent Human Rights Commission have increased their efforts to ensure greater understanding on the part of military actors regarding their responsibilities under international humanitarian and human rights laws. The importance of impartial and independent investigations of incidents involving civilian casualties has been emphasized at both the subnational and national levels through case-specific follow-up and information exchange.

## B. Gender

44. Tangible improvement in the status of women remains a major challenge, despite numerous Government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity.

45. There has been some progress on women's economic advancement, with women constituting 66 per cent of microfinance borrowers and 38 per cent of the participants in the National Skills Development Programme. In partnership with the United Nations Development Fund for Women (UNIFEM) and the Ministry of Women's Affairs, the Independent Administrative Reform and Civil Service Commission adopted a gender equity policy to strengthen the participation of women in the civil service.

46. Nonetheless, violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives. The collection and analysis of data on violence against women is being systematically institutionalized into the work of relevant ministries. A special fund for the protection of women at risk has been set up by UNIFEM with the support of the Office of the United Nations High Commissioner for Refugees. However, the systematic failure to ensure women's access to justice and protection from violence and a tendency to criminalize female victims still need to be addressed. An improvement in women's enjoyment of their rights requires greater accountability on the part of national authorities, as well as monitoring of the implementation of Government commitments, particularly the 13 gender-equity benchmarks of the Compact.

# VIII. Humanitarian situation

47. Owing to insecure conditions, United Nations agencies are unable to operate in 78 districts in the south of the country. United Nations road missions to almost all districts in the south have been suspended for several months. With the looting of convoys on the Kandahar-Farah road, WFP has faced problems in transporting food and other vital assistance to Herat, the hub from which aid is delivered to provinces in the western region, which have been most affected by harsh winter conditions. While the effects of insecurity in the south of the country have been widely reported, the Afghanistan Non-Governmental Organization (NGO) Safety Office has reported that in 2007 over half of fatalities of NGO personnel occurred in the north, mainly in connection with economically motivated crimes.

48. Severe winter conditions, judged as the harshest in 30 years, have further limited humanitarian access to communities in remote areas. The western provinces of Badghis, Farah, Ghor and Herat were the hardest hit, with over 800 winter-related deaths. Although humanitarian supplies were pre-positioned in anticipation of the crisis, the security situation, impassable roads and the lack of local logistical capacity led to aid not being delivered in a timely manner to all those in need. Insufficient in-country air assets and restrictive policies on the use of international assets also limited aid agencies' capacity to reach remote areas. The 2007/08 winter emergency demonstrated that national disaster preparedness and response capacity need significant strengthening. UNAMA is responding to a Government request for support in this respect.

49. In November 2007 the humanitarian country team was established to strengthen coordination and ensure equal partnership within the humanitarian community. The team brings together United Nations agencies and NGOs, with the International Red Cross and Red Crescent Movement as an observer. Humanitarian regional teams are being established in all UNAMA field offices.

50. Civil-military coordination remains an integral part of the humanitarian agenda. As far as material assistance is concerned, provincial reconstruction teams can bring significant logistical capacity and other vital assistance, particularly where security is more volatile. To enhance cooperation with provincial reconstruction teams and other military actors, Afghanistan-specific civil-military cooperation guidelines have been updated by Oxfam and reviewed by other NGOs, the United Nations, the International Red Cross and Red Crescent Movement and the Government. It is hoped that the guidelines, once adopted, and the Civil-Military Working Group can ensure an effective working relationship with military forces in the humanitarian sphere.

51. A joint Government and United Nations appeal to address the humanitarian consequences of the rise in food prices was launched on 24 January 2008, to mitigate the steep rise in the price of wheat flour across the country. WFP, the World Health Organization and UNICEF appealed for $81.3 million to assist 2.55 million Afghans. WFP alone asked for immediate contributions of $77 million to provide 89,000 tons of food to vulnerable Afghans living in both rural and urban areas. The appeal is aimed at preventing malnutrition, targeting in particular children under five and pregnant and nursing women.

52. In 2007, 365,410 Afghans voluntarily returned to Afghanistan, bringing the overall assisted repatriation figure since 2002 to 4,090,602. There are indications,

however, that the rate of voluntary repatriation will be difficult to sustain in the future owing to a combination of deteriorating security, limited economic and social opportunities and the fact that over 80 per cent of the estimated remaining 2.8 million Afghan refugees have been in exile for over two decades. In recognition of this complex challenge, at its sixth meeting the Joint Coordination and Monitoring Board endorsed the proposal of the Government of Afghanistan to hold an international conference on return and reintegration in 2008.

## IX. Afghanistan National Development Strategy, Joint Coordination and Monitoring Board and economic development

53. The Government of Afghanistan is finalizing the Afghanistan National Development Strategy — the country's main national planning and budgeting exercise and principal poverty-reduction strategy. The strategy recognizes that poverty and lack of access to food, medical care and education remain major obstacles to equitable and sustainable socio-economic development. Progress continues in several sectors: the basic package of health services now covers 82 per cent of the population, and the gross enrolment in schools is estimated to have increased in 2007 to 5.7 million, with girls constituting 35 per cent of that figure. On the other hand, 80 per cent of the population is still without access to electricity.

54. The development of the Afghanistan National Development Strategy, and in particular the country-wide consultations that took place during the planning process, have strengthened public policy dialogue over key security, economic and development issues. Provincial development plans have been developed for all 34 provinces; 18 sector strategies have been finalized, and the priority sectors of the Development Strategy (education, health and roads) have been costed for the next fiscal budget. UNAMA has worked closely with UNDP in engaging donors and obtaining their feedback on the draft sector strategies. It is expected that the Development Strategy will be completed by March 2008. The Government expects that, once the implementation of the Development Strategy is under way, donors will align their spending with its priorities.

55. Separately, in preparation for the country's first nationwide population and housing census, scheduled for August 2008, the Central Statistics Office and the United Nations Population Fund conducted a pilot census to test and refine the census methodology. That exercise, which listed all households in the country, provides important baseline data. The actual census, whose results will be critical to the implementation of the Afghanistan National Development Strategy, faces challenges owing to the security situation and the need to address the $28 million funding shortfall.

56. The non-opium economy has grown at an average of 12 per cent over the past four years, and during the reporting period per capita gross domestic product (GDP) nearly doubled, to $289. Investment in the natural resources of Afghanistan has begun, including a pledge to invest $3 million to set up mining operations in Logar province. Nonetheless, an estimated 34 to 42 per cent of the country's population lives below the poverty line. Much of the economy's impressive growth is, unfortunately, indirectly related to the illegal drug industry and the significant

amounts of foreign aid. Furthermore, higher prices of imported fuel and foodstuffs led to an increase in consumer prices, with inflation reaching 17 per cent in December 2007, demonstrating the vulnerability of the country's economy to exogenous shocks.

57. The Government's mechanisms to spend development resources, though in need of further strengthening to speed up disbursements, are improving. Expenditure in 2007 was $167 million higher than in the previous fiscal year. The Government should be able to disburse approximately 60 per cent of its development budget by the end of March 2008, compared to only 54 per cent by the end of March 2007. Over two thirds of international assistance, however, is channelled outside the Government's core budget.

58. Revenue collection should reach 8.2 per cent of GDP in 2008, meeting the target set in the Afghanistan Compact for 2010, though falling short of the target set under the Poverty Reduction and Growth Facility of the International Monetary Fund (IMF). The revenue-to-GDP ratio remains one of the lowest in the world, and revenue is just enough to meet approximately two thirds of the Government's operating budget, with the entire development budget financed by external assistance. IMF has raised serious concerns about the Government's shortfall in meeting its commitments under the Poverty Reduction and Growth Facility.

## X. Mission operations and support

59. UNAMA continued to make full use of its liaison offices in Islamabad and Teheran in all its activities with a regional dimension; it maintained its eight fully integrated regional offices in Bamyan, Gardez, Herat, Jalalabad, Kabul, Kandahar, Kunduz and Mazar-e-Sharif and strengthened the nine provincial offices in Badakhshan, Badghis, Day Kundi, Faryab, Ghor, Khost, Kunar, Nimroz and Zabul. While vacancy rates and staff retention remain challenging issues, mainly because of the security situation, the UNAMA expansion has increased connectivity with local authorities, local communities and other stakeholders operating at the subnational level. The provincial offices are an invaluable medium for UNAMA good offices and outreach activities.

60. Recognizing the urgent need for the Government of Afghanistan to take vigorous action on counter-narcotics, as well as to overcome policy differences among key ministries and among international donors supporting them, UNAMA is exploring with the United Nations Office on Drugs and Crime the possibility of designating a senior adviser to support the Government, at the highest level. Similarly, UNAMA is exploring the possibility of recruiting a senior adviser on elections to provide political and technical guidance for the upcoming registration and electoral process, as well as to oversee United Nations technical assistance.

61. Acknowledging the need for urgent support to the Government of Afghanistan in strengthening the justice system at the subnational level, justice programmes are being launched in the provinces. The United Nations will reinforce these efforts by collaborating with local government officials, through the Provincial Justice Coordination Mechanism. To this end, in partnership with UNDP, 10 international provincial justice coordinators will be recruited and deployed to UNAMA offices throughout the country.

62. The development of synergies between UNAMA, security forces and the Government, particularly in the field, is critical. This requires an increase in key UNAMA personnel. An increase in the size of the UNAMA Military Advisory Unit to a ceiling of 20 officers is required to deliver the specialist advice called for in these circumstances. There is also a need to expand the UNAMA Police Advisory Unit by adding five more police advisers to its present strength of four in order to deploy advisers to all UNAMA regional offices and thus provide advice to provincial police departments.

# XI. Mandate

63. The overall mandate of UNAMA, determined in 2006 in consultation with the Government of Afghanistan following the formal completion of the political elements of the Bonn process, remains essentially sound, sufficiently comprehensive and still appropriate for the current circumstances. I would therefore recommend that the mandate, which was renewed by the Security Council in its resolution 1746 (2007) until 23 March 2008, be extended for a further 12 months, and furthermore that the specific tasks to be carried out by UNAMA as enumerated in document A/60/712-S/2006/145, paragraphs 51 to 59, also remain unchanged over the next 12 months.

64. On 23 September 2007, in the margins of the sixty-second session of the General Assembly, President Karzai and I jointly convened a high-level meeting of members of the Joint Coordination and Monitoring Board to reaffirm and strengthen the partnership between the Government of Afghanistan and the international community. Emerging from that meeting was a reassertion of the central and impartial role of the United Nations in leading efforts of the international community, and the need for the UNAMA coordination capacity to be strengthened. The guiding principle of UNAMA activities is to reinforce Afghan leadership and strengthen international cohesion in support of that leadership. In order to achieve this, within the existing mandate, the following points of emphasis should guide UNAMA activities:

(a) *Enhanced coordination*. Meeting the goals of the Afghanistan Compact remains the central joint task of the Government of Afghanistan and the international community. Co-chairing the Joint Coordination and Monitoring Board with the Government of Afghanistan, UNAMA has a particular responsibility for promoting coherent support by the international community for the Government, as well as adherence to the principles of effectiveness of aid to Afghanistan enumerated in the Compact (annex II). In particular, UNAMA will urge: (i) increasing the degree to which international assistance is provided within the framework of a prioritized Afghanistan National Development Strategy and through the core budget, including by helping the Government establish appropriate fiduciary instruments; and (ii) increasing the reporting of assistance to the Government's Aid Coordination Unit and the Joint Coordination and Monitoring Board. Where there remain policy differences in the international community, the United Nations will seek, in close cooperation with relevant Afghan authorities, to resolve those differences so as to provide the basis for clear and effective action.

(b) *Political outreach*. The UNAMA mandate calls on the Mission to "extend its good offices through outreach" (Security Council resolution 1746 (2007),

para. 4). This outreach embraces two broad concepts. The first is day-to-day efforts by UNAMA regional and provincial offices to link Afghan communities to their Government and to promote the implementation of the Compact. Activities under this concept include promoting human rights and the rule of law, facilitating coordination of humanitarian aid and development priorities and transmitting grievances to relevant government officials. The approval of additional international posts for UNAMA regional and provincial offices in its 2008 budget will increase the Mission's outreach capacity. The second activity stems from the recognition that there are actors within Afghanistan who are opposing the Government but whose differences can be reconciled within the framework of the Constitution. UNAMA, if requested, stands ready to use its good offices to promote such reconciliation. It is clear that these activities can be carried out only with the approval of the Government and with full respect for the Constitution and the sanctions regime established by the Security Council, in particular through its resolution 1267 (1999).

(c) *Subnational governance*. The Independent Directorate for Local Governance provides an institutional mechanism for strengthening subnational governance and linking it more effectively to line ministries in Kabul. Prospects for accountable governance and rule of law are particularly strong at the local level. UNAMA will support, through its regional and strengthened provincial offices, efforts to improve local-level governance, in particular through the Independent Directorate, as well as local-level development initiatives that help bring the benefits of peace in a timely and sustainable manner.

(d) *Humanitarian coordination*. Exacerbated by continuing insecurity, humanitarian needs in Afghanistan remain high, placing a correspondingly heavy burden on the UNAMA humanitarian coordination role. UNAMA will continue to play a central coordinating role to deliver humanitarian action in accordance with humanitarian principles and with a view to building the capacity of the Government at the central and local levels to enable it to increasingly meet humanitarian needs. In particular, UNAMA must provide effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons. The protection of civilians must continue to remain a central focus of UNAMA activities.

(e) *Elections*. Unlike the previous elections in Afghanistan in 2004 and 2005, the next elections will be implemented and overseen by the Afghan Independent Electoral Commission. This will, however, require important financial and technical support from the international community. UNAMA is willing to play a role in supporting the electoral process by providing technical assistance, coordinating all international actors providing assistance and channelling international funds earmarked to support Afghan electoral institutions. Additional resources may be required to fulfil this important role.

(f) *Strengthened cooperation with ISAF*. The resilience of anti-Government elements requires cooperation with ISAF, including in planning and strategic processes. The main objectives of the strengthened cooperation between UNAMA and ISAF, in accordance with their existing mandates, are: (i) exchanging information in real time in order to generate a common assessment of the state of resistance to the Government and of strategic requirements to combat this resistance; (ii) identifying tasks that need to be carried out by ISAF, the assistance

community (including NGOs and provincial reconstruction teams), the Government of Afghanistan, UNAMA and other United Nations entities in order to strengthen Government institutions and their work throughout the country; and (iii) to ensure that the activities of all of these entities are mutually supportive of an Afghan-led development and stabilization process.

## XII. Observations

65. **In 2006 the Afghanistan Compact launched a five-year partnership with the international community to improve the lives of the Afghan people. Since then, there have been major achievements and the scale of international support has grown. At the same time, terrorism and insurgency have intensified, inhibiting the peace process. State-building and international coordination have proved challenging. Participants in the seventh meeting of the Joint Coordination and Monitoring Board agreed that in order to consolidate gains that have been achieved and to face the challenges ahead, all partners needed to intensify their common efforts. The Afghanistan National Development Strategy remains the foundation for such efforts, though some prioritization may be required, under the leadership of the Government of Afghanistan, to overcome obstacles to implementation.**

66. **To meet the security challenge and stabilize Afghanistan, a common approach is needed that integrates security, governance, rule of law, human rights and social and economic development. The partnership between the Government, ISAF, the United Nations and the international community remains essential to this approach, which must also be aimed at implementing, under Afghan Government leadership, the shared vision of the Compact, with parliamentary, civil society and private sector support. As the Afghanistan National Development Strategy enters an implementation phase, a new focus on sequencing and delivery mechanisms will be required.**

67. **The development of the Afghanistan National Development Strategy is expected to be completed by the end of March 2008. Key issues and risks facing the Development Strategy include the Government's ability to fulfil its commitments under the Poverty Reduction and Growth Facility, generate donor support to meet its resource requirements and gear up its implementation mechanisms. I welcome the offer of France to host a conference in Paris in June 2008, not only to support the finalization, launch, financing and implementation of the Development Strategy, but also to review the implementation of the Afghanistan Compact more broadly.**

68. **Subnational governance is a key priority of the Government, and the international community appreciates the establishment of the Independent Directorate for Local Governance, which will have to respond effectively to high domestic and international expectations. Its success will depend on continued political will, as well as on support by donors. Attention should be focused particularly on the development of synergies at the district level between programmes addressing governance, police reform, rule of law, the disbandment of illegal armed groups and counter-narcotics challenges.**

69. **Preparations must begin immediately on voter registration and planning for the next elections. This requires decisions by the Afghan authorities on**

**electoral dates and the adoption of electoral legislation. The international community will need to begin mobilizing funds to support these vital processes, especially that of voter registration, which must start in the summer of 2008 in order for elections to be held in 2009.**

**70. The International Police Coordination Board, now under the chairmanship of the Ministry of the Interior, is playing an increasing role in policy-setting and coordination. On the basis of recommendations made to the Joint Coordination and Monitoring Board at its seventh meeting, it will oversee a review of the institutional development of the Ministry of the Interior, as well as the development of a policing vision that balances the needs of law enforcement and counter-insurgency. Such a vision cannot be achieved without the rule of law, and I welcome the development of the National Justice Programme and the support it has attracted from donors.**

**71. One of the most positive outcomes of the seventh meeting of the Joint Coordination and Monitoring Board was an agreed approach on counter-narcotics. Priority will now be placed on delivery of the agreed implementation plan, including the province-based approach, and the restructuring and reform of the Counter-Narcotics Trust Fund to enable speedier disbursements. The Government will need to muster the political will to seek to meet the agreed eradication target of 50,000 hectares, take measures against public officials linked to the narcotics trade and convict high-level traffickers and large landowners engaging in poppy cultivation. Decisive action on the part of the Government of Afghanistan in this respect is urgently needed. In addition, Member States should make concrete use of Security Council resolution 1735 (2006), which calls for the identification of drug traffickers in the context of its sanctions regime.**

**72. The centrality of a human rights-based approach to stability and development needs to be reaffirmed. Technical, financial and political support by the Government and the international community is critical for the Ministry of Justice to effectively fulfil its role as lead agency for coordinating and reporting on the successful integration of human rights within the Afghanistan National Development Strategy process.**

**73. Allegations of torture and arbitrary detention were highlighted by the United Nations High Commissioner for Human Rights during her November 2007 visit. The resulting constructive dialogue and access to previously inaccessible detention facilities should be built upon so as to ensure that all detentions and trials are conducted in a transparent manner and in compliance with international standards.**

**74. I would like to express my gratitude to my Special Representative, Tom Koenigs, who completed his assignment on 31 December 2007, for his hard work and perspicacity throughout his tenure. I am making earnest efforts to locate a successor who will enjoy the full confidence of the Government of Afghanistan and the international community. In the meantime, I should like to thank my Acting Special Representative, Bo Asplund, and all of the Mission's personnel for their commitment and perseverance. I should also like to thank all of the Mission's partners, including the United Nations country team, as well as other humanitarian agencies, Member States and other international organizations for the support they continue to lend to the work of UNAMA.**

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Security Council

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## Letter dated 5 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit to you the attached statement of the spokesperson of the Ministry of Foreign Affairs of the Republic of the Sudan on the latest incident that occurred at the Sudan-Chad border, where non-African troops coming from Chad twice crossed into Sudanese territory (see annex). The statement is self-explanatory.

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

08-26376 (E) 070308 070308

## Annex to the letter dated 5 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

## Communiqué issued by the official spokesperson of the Ministry of Foreign Affairs

3 March 2008

The Ministry of Foreign Affairs wishes to inform the public that, at about 5 p.m. on 3 March 2008 in the village of Umm Jaradil in the south of Western Darfur about two kilometres from the frontier with Chad, a military jeep carrying non-African soldiers crossed the Sudanese border, coming from within the territory of Chad and opened fire on the Sudanese observer unit. The unit was obliged to return fire, hitting the vehicle, whereupon the people on board fled on foot into the territory of Chad.

After half an hour, three other jeeps arrived from Chad supported by a military helicopter and once again there was a confrontation with the Sudanese military unit in the course of which a soldier and a number of civilians were wounded.

The Sudanese Government is now holding the necessary consultations with a view to making a full investigation of the incident in order to ensure that it is not repeated. The Sudanese armed forces will remain vigilant so as to protect the frontiers and to deal with any threat to the security, integrity and unity of Sudanese territory.

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General Assembly
Sixty-second session
Agenda items 17 and 32

**The situation in the Middle East**

**United Nations Relief and Works Agency for Palestine Refugees in the Near East**

Security Council
Sixty-third year

## Letter dated 3 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a letter regarding the uprooting of 370 cherry and apple trees belonging to the Syrian citizen, Majed Fadel-Allah Abou-Awad on 23 February 2008 by Israel, the occupying Power (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 17 and 32, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-26394 (E) 070308 070308

## Annex to the letter dated 3 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

3 March 2008

Israel continues to occupy the Syrian Golan in a manner contrary to the letter and spirit of the United Nations Charter and in violation of the relevant resolutions adopted by the Security Council and the General Assembly.

The continuing Israeli violations of the resolutions of international legitimacy and of international laws, customs and covenants, including international humanitarian law, are common knowledge; not content with its violations of the human rights of the Syrian Arab population of the occupied Golan, the Israeli Government has now gone on to include damage to the environment and to the means of livelihood of the Syrian population of the Golan. In that context, on 23 February 2008, the Israeli occupation authorities uprooted 370 cherry and apple tree seedlings in the occupied Golan which belonged to the Syrian citizen Majed Fadel-Allah Abou-Awad, a resident of the occupied Syrian village of Buq'ata, in an attempt to alter the demographic character of the Golan and to affect the commitment of the population to their territory and their homeland.

The practices of the Israeli Government in the occupied Golan, specifically in connection with the uprooting of trees, are not new but are a systematic and long-standing policy. On an earlier occasion, on 27 September 2007, they uprooted 150 cherry tree seedlings belonging to Salim 'Uwaydat, a Syrian resident of the occupied village of Majdal Shams. In holding the Israeli authorities, as the occupying Power, fully responsible for the material and moral injury inflicted on Syrian citizens in the occupied Syrian Golan as a result of the aggressive Israeli violations, we call on the international community and the United Nations to assume their responsibility to exert pressure on Israel to cease these practices which are incompatible with the Fourth Geneva Convention and with Israel's responsibilities as the occupying Power.

The delegation of my country appeals to you, and through you to the United Nations and its competent bodies, to prevail on Israel not to repeat such practices, which are contrary to the most elementary international laws, covenants and customs.

The delegation of my country requests that this letter be circulated as a document of the United Nations.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2008/162

Security Council

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6 March 2008

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**Letter dated 6 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Serbia to the United Nations addressed to the President of the Security Council**

Upon the instructions of my Government, I have the honour to request, in accordance with Article 35 of the Charter of the United Nations, an urgent meeting of the Security Council of the United Nations to consider the aggravation of the situation concerning the Serbian province of Kosovo and Metohija owing to the illegal unilateral declaration of independence by the Provisional Institutions of Self-Government and the subsequent recognition of this illegal act by some States Members of the United Nations in violation of the sovereignty and territorial integrity of the Republic of Serbia, a State Member of the United Nations, as well as the provisions of Security Council resolution 1244 (1999).

Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, would participate in the meeting.

It would be appreciated if the format of the meeting were to be public.

(*Signed*) Slavko **Kruljević**
Deputy Permanent Representative
Chargé d'affaires a.i.

08-26364 (E) 060308

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Security Council

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**General Assembly**
**Sixty-second session**
Agenda item 20
**The situation in the occupied territories of Azerbaijan**

**Security Council**
**Sixty-third year**

## Letter dated 5 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to inform you about the latest developments in the occupied territories of Azerbaijan. Since early morning on 4 March 2008, the Armenian occupying forces have grossly violated the ceasefire regime, which led to escalation.

The Azerbaijani Army repulsed the attacks and delivered a heavy blow to the occupying forces. There are casualties. Four Azerbaijani military personnel were killed and one was injured. The Armenian forces lost 12 military personnel and 15 were injured. In accordance with the information received from the Armenian officials, one member of the Armenian military personnel was blown up on a mine, which proves the fact that the Armenian forces were on the attack.

This is a clear provocation by Armenia. By violating the ceasefire regime Armenia tries to conceal the internal tension after the presidential elections held on 1 March 2008 from the attention of the international community.

The international community, namely, the United Nations press release (SG/SM/11447), the European Union High Representative for Common Foreign and Security Policy (S093/08), the European Union Presidency (http://www.eu2008.si/en/News_and_Documents/CFSP_Statements/March/0403MZZ_Armenia.html), the Secretary-General of the Council of Europe (www.coe.int/press) and the President of the Parliamentary Assembly of the Council of Europe (press release 151 (2008)), expressed their deep concern about the situation in Yerevan after the presidential elections, in particular about the excessive use of force by the Armenian authorities against the demonstrators, as a result of which at least 8 people have been killed and scores of people were injured.

The violation of the ceasefire regime by Armenia is clearly directed to divert the attention of its citizens and the international community from the internal difficulties.

08-26400 (E) 070308

Use of force obviously has already become a traditional method not only in the foreign policy, but also in the domestic policy, of the Armenian Government. That is a very unfortunate fact.

I should be grateful if the present letter were urgently circulated as a document of the General Assembly, under agenda item 20, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

United Nations A/62/725–S/2008/164

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Security Council

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**General Assembly**
**Sixty-second session**
Agenda item 17
**The situation in the Middle East**

**Security Council**
**Sixty-third year**

## Letter dated 6 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit to you herewith a letter setting out the position of the Syrian Arab Republic concerning the sixth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 17, and of the Security Council, before the date of discussion of that report by the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-26503 (E) 070308 070308

## Annex to the letter dated 6 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

1. Syria reaffirms its condemnation of the aggression committed by Israel against Lebanon in July 2006 which resulted and continues to result in death and injury to thousands of innocent Lebanese and in the adoption by the Security Council of resolution 1701 (2006). The Syrian Arab Republic emphasizes the necessity of implementing that resolution unselectively and without targeting those who were the principal victims of that tragic aggression, particularly as the resolution was adopted above all to put an end to the Israeli aggression against Lebanon in July 2006.

2. The Syrian Arab Republic reiterates its request to the Security Council to assume its responsibilities impartially and on a basis of neutrality and to take up the matter of Israel and punish it for its persistent violations of resolution 1701 (2006) on a more or less daily basis as emphasized by the Secretary-General in paragraphs 17 and 29 of his most recent report. He referred in paragraph 17 to the fact that UNIFIL had observed a significant number of Israeli air violation of Lebanese airspace. A particularly large number of air violations were reported on 7 and 11 February 2008 over Lebanese territory and its territorial waters, and a number of aircraft were flying at low altitude, including over UNIFIL headquarters in Naqoura. The report stated that, on 17 February 2008, in other words on a single day, 36 air violations had been recorded. The Permanent Representative of Lebanon in his most recent letter dated 15 February 2008 had mentioned that, during the period covered by the report, there had been 247 air violations, 27 sea violations and 118 land violations and he added that these Israeli violations, particularly those on land, had become systematic and that Israel had deliberately and repeatedly infiltrated Lebanese territory to kidnap Lebanese citizens as stated by the Secretary-General in paragraphs 9, 10 and 13. These violations which have been officially documented by the United Nations on the basis of the report of the Secretary-General, the reports of the UNIFIL command and the numerous letters sent by the Permanent Mission of Lebanon on a regular basis make it incumbent on the Security Council to call Israel to account and punish it for these violations and make it necessary for the Secretary-General to highlight the fact that such practices are a blatant violation of resolution 1701 (2006). We had expected the Secretary-General not to confine himself in paragraph 29 of his report to expressing concern at the continuation of these violations and not to take the view in paragraph 17 of his report that flights by Israeli warplanes over UNIFIL headquarters in Naqoura were merely routine formations or training exercises, particularly as the Secretary-General had described such violations in the same paragraph 17 of his report as constituting violations of Lebanese sovereignty and of resolution 1701 (2006). That being so, we would have hoped that the Secretary-General would be consistent with the import of said paragraph and would request the Security Council to call Israel to account for its violations of that resolution. A matter of still greater regret is that the Security Council has not once responded to the requests of Lebanon to put an end to the repeated Israeli violations despite the fact that certain active members of the Council claimed to be concerned about the stability and integrity of Lebanon and called for the adoption of resolutions and statements of condemnation against Lebanon whenever so requested by Israel.

3. The report reiterates the allegations concerning the smuggling of weapons across the Syrian-Lebanese border. In its earlier letters, the most recent of which was document S/2007/724 of 10 December 2007, Syria affirmed that those allegations were motivated by politics rather than by security considerations and that their purpose was to provide cover for Israel's constant violations of Lebanese sovereignty and of resolution 1701 (2006) and to involve Syria in the said resolution for reasons that are well known to all. This was affirmed in the report of the Secretary-General in paragraph 43 which referred to the fact that the joint force for border surveillance in Lebanon which comprises the four Lebanese security agencies whose area of operations extends some 130 kilometres along Lebanon's northern frontier with Syria had stated that "to date, the force has not discovered any case of smuggling of weapons in its area of operations". This important information from Lebanon is consistent with the statements made earlier by senior Lebanese officials denying the existence of any smuggling and is also consistent with the report of the Lebanon Independent Border Assessment Team (LIBAT) contained in document S/2007/382 of 26 June 2007 in paragraphs 45 and 120. Paragraph 45 stated that "Authorities did not present the Team with reports on seizure of weapons or ammunition at any of the four official border crossing points since the adoption of resolution 1701 (2006)." Similarly, paragraph 120 stated: "All seizures were of traditional smuggled goods, such as diesel fuel, clothes, cement or food. No seizures of weapons or explosives were made. Although a few seizures of illegal weapons have been reported, according to the border security agencies none were in direct connection with a border-crossing activity and none has been documented en route from across the Syrian border. In all cases known to the Team, the claim has been that they were internal weapons transports between different locations inside Lebanon."

4. The purpose of these Israeli allegations about weapons smuggling across the Syrian-Lebanese border is to find a pretext for Israel's violation of resolution 1701 (2006). As we pointed out in our earlier letters, no significance should be attached to these allegations because Israel is hostile to Syria and occupies part of its territory contrary to international law and to hundreds of relevant resolutions emanating from the General Assembly, the Security Council, the Human Rights Council and the specialized agencies of the United Nations as documented for decades by the Secretariat. The repetition of these allegations in the report of the Secretary-General is at variance with what is stated in paragraph 43 of the same report to the effect that the four Lebanese security agencies did not discover any case of smuggling of weapons in its area of operations on the Syrian-Lebanese border. That made it incumbent on the Secretariat not to reconsider those allegations, to disregard them and to consider the information provided by us and what was stated by the Permanent Representative of Lebanon in his most recent letter to the effect that "unsubstantiated allegations of illicit movements across the border serve no useful purpose". The role that we expect the Secretariat of the United Nations to play is to reduce any tensions in the relations between Member States in the region and not to fabricate problems that are used by certain parties to the detriment of the historic relations between two neighbouring Arab countries.

5. The Syrian Arab Republic reaffirms that, under international law, border demarcation is a bilateral matter pertaining to State sovereignty that should be resolved by the Syrian and Lebanese Governments. In that connection, we point out that we would have expected the Secretary-General to indicate in his report that the

real reason behind the delay in resolving the question of the Shab'a Farms, and of the Middle East in general, is Israel's continued occupation of those farms and the occupied Syrian Golan, and its refusal to comply with international resolutions. We would also have expected him to request Israel unequivocally to implement those resolutions and withdraw from occupied Syrian and Lebanese territories. Yet instead of mentioning Israel by name in paragraph 73 of the report, he chose to urge the Syrian and Lebanese Governments to take practical steps towards demarcating their common border, as though the Israeli occupation of Shab'a Farms had no relation to the matter at hand. We should like to reiterate that, as stated in our previous letters, the Syrian Arab Republic is prepared to begin demarcating the Syrian-Lebanese borders, starting from the north for reasons of practical necessity because the southern part of the common border, including the Shab'a Farms, is under Israeli occupation.

6. The Syrian Arab Republic reaffirms that contacts between the Syrian and Lebanese sides regarding control of their common borders have not ceased. In our letter of 2 November 2007, we notified the Secretary-General and the President and members of the Security Council that the two sides had met 17 times between 6 December 2005 and 29 August 2007. We will continue to inform the Secretariat and the Council of the outcome of future meetings. The continuation of these contacts confirms the responsible commitment of both sides to bilateral control of their borders.

7. The Syrian Arab Republic reaffirms that it has doubled the number of border guards on the Syrian side. We should also like to point out that, as the Secretary-General indicated in paragraph 29 of his report, the Syrian Arab Republic had requested a number of European States to provide it with technical equipment to assist it with monitoring its borders and training Syrian personnel to perform this task. However, it has yet to receive a response from those States, which have provided only the Lebanese side with the equipment requested.

8. The Syrian Arab Republic wishes to emphasize that the Palestinian presence in Lebanon is regulated by the Cairo Agreement of 1969 between Lebanon and the Palestine Liberation Organization, that those bilateral arrangements have nothing to do with the Syrian Arab Republic, and that all Palestinian positions in Lebanon are on Lebanese territory exclusively. Consequently, the Syrian Arab Republic is not responsible for any defects, should any exist, in the agreements signed by the Palestinian and Lebanese sides.

9. The Syrian Arab Republic condemns Israel's continued refusal to supply information on the cluster munitions it dropped during its brutal aggression against Lebanon in 2006, as well as its refusal to supply maps of landmines that, according to the Secretary-General's report, since 2006 "have led to 27 civilian fatalities and 209 civilian injuries, as well as 14 mine clearance fatalities (including one UNIFIL peacekeeper) and 34 mine clearance injuries". The Secretary-General affirmed in paragraph 74 that preliminary findings are that the information on cluster munitions provided by Israel on 5 February 2008 is of very limited value. We would have expected that the Secretary-General's report would not limit itself to merely calling on the Government of Israel — in neutral language — to provide the United Nations with this information, but would condemn the failure to provide the United Nations with these maps to date and call on the Security Council to assume its responsibilities and take measures to punish Israel, particularly in the light of the

large number of casualties that have been and continue to be caused by these internationally prohibited munitions, as noted by the Secretary-General in paragraph 51 of his report.

10. The Secretary-General states in paragraph 20 that "as long as the Israel Defence Forces remain in northern Ghajar, Israel will not have completed its withdrawal from southern Lebanon, in accordance with its obligations under resolution 1701 (2006)" and in paragraph 70 that that "constitutes a continuing violation of Lebanon's sovereignty, resolution 1701 (2006) and the Blue Line". In this regard, we would have hoped that the Secretary-General would not have confined his position in paragraph 20 to urging "the parties to take a constructive approach so that this ... issue can be resolved ...", but would have called on Israel to comply fully with Security Council resolution 1701 (2006) by withdrawing from the northern part of the Syrian village of Ghajar which was occupied in 1967.

11. Syria calls on others to respect the sovereignty, political independence and territorial integrity of Lebanon and the rule of non-interference in its internal affairs, in theory and in practice, to preserve the peace and security of this neighbouring country which has suffered considerably because of external intervention in its internal affairs. In this regard, we note that the unilateral decision by the United States administration to station five military ships off the coast of Lebanon on the pretext of protecting stability in Lebanon threatens stability in Lebanon and jeopardizes the efforts of UNIFIL.

12. Finally, Syria would like to reaffirm its enduring respect for the independence, sovereignty, territorial integrity and people of the fraternal and neighbouring Arab State of Lebanon, and its desire to maintain the best possible relations with it and to resolve all outstanding problems between the two countries, provided that such a desire is reciprocated by the Lebanese Government. Syria hopes that the Secretariat and certain members of the Security Council will exert a positive influence on relations between the two countries instead of attempting to fuel existing differences and create new ones that only serve those who wish to see a deterioration in the historical relations between the two fraternal peoples.

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Original: English

## Letter dated 6 March 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Assistance Mission in Afghanistan (UNAMA), established by the Security Council in its resolution 1401 (2002) of 28 March 2002.

Following the usual consultations, it is my intention to appoint Kai Eide (Norway) as my Special Representative for Afghanistan and Head of UNAMA with immediate effect. Mr. Eide will replace Tom Koenigs, who served as my Special Representative for Afghanistan and Head of the Assistance Mission from February 2006 until December 2007.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-26535 (E) 070308

United Nations S/2008/166

# Security Council

Distr.: General
7 March 2008

Original: English

## Letter dated 7 March 2008 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 6 March 2008 (S/2008/165) concerning your intention to appoint Kai Eide (Norway) as your Special Representative for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Vitaly I. **Churkin**
President of the Security Council

08-26542 (E) 070308

United Nations S/2008/167

Security Council

Distr.: General
10 March 2008

Original: English

## Letter dated 7 March 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I should like to request your kind assistance in circulating as a document of the Security Council the present letter and annexed statement of the Ministry of Foreign Affairs of Georgia dated 7 March 2008, regarding the recent developments in the conflict settlement process in Abkhazia, Georgia (see annex).

(*Signed*) Irakli **Alasania**
Ambassador
Permanent Representative

08-26598 (E) 100308

## Annex to the letter dated 7 March 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

### Statement of the Ministry of Foreign Affairs of Georgia

7 March 2008

The Ministry of Foreign Affairs of Georgia expresses its extreme concern over the Russian Federation's withdrawal from the 19 January 1996 decision of the CIS Council of Heads of State on measures aimed at settling the conflict in Abkhazia, Georgia, on which the Ministry of Foreign Affairs of the Russian Federation sent an official note on 6 March 2008 to the Executive Committee of the Commonwealth of Independent States.

This step can be assessed in no other terms but as an overt attempt to infringe Georgia's sovereignty and territorial integrity and an extremely dangerous provocation aimed at abetting separatism and escalating tension in the conflict zone.

Any attempt to justify this decision by an alleged progress in the process of return of internally displaced persons goes beyond the scope of morals, given the fact that as a result of ethnic cleansing conducted by Abkhazia's de facto authorities — as recognized by OSCE summits in Budapest (1994), Lisbon (1996) and Istanbul (1999) — hundreds of thousands of people are still deprived of the right to return to their homes and their property is disposed illegally, mainly to citizens of the Russian Federation.

We seek to focus the international community's attention on the alarming fact that, by withdrawing from the above-mentioned decision, Russia considers itself no longer bound by the obligation to prevent sale and supply to the Abkhazian side of all kinds of armaments, defence equipment and spare parts, ammunitions, armoured vehicles and equipment (paragraph 3); as well as to prevent the hiring of its own citizens and their enrolment in any armed group in the conflict zone (paragraph 5a).

We regret to state that the main motive for taking such a decision is the Russian side's evasion of this highly important responsibility rather than removal of economic or humanitarian restrictions, which, in actual practice, the Russian side has long been ignoring. By withdrawing unilaterally from these obligations, Russia creates the basis for providing the separatist government with military assistance and establishing its military presence in Abkhazia.

Proceeding from the foregoing, the Ministry of Foreign Affairs of Georgia maintains that the Russian Federation's withdrawal from the 19 January 1996 decision of the CIS Council of Heads of State creates a serious threat of destabilization, substantially alters the situation around the conflict and undermines the legal framework, which determines the peace format of CIS in the conflict zone. Everyone needs to be reminded that it is within this very format that Russian peacekeepers operate in the conflict zone. It is also worth noting that this decision of Russia coincides with separatists' provocative acts and their intense military build-up.

In the situation that has emerged, the Ministry of Foreign Affairs of Georgia holds the Russian Federation fully responsible for any possible development of events. At the same time, Georgia retains the right to undertake adequate actions under the Constitution and legislation of Georgia and international law to ensure protection of its own national interests.

United Nations S/2008/168

Security Council

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10 March 2008

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**Letter dated 10 March 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council**

Please find attached a press release of the Ministry of Foreign Affairs of the Russian Federation on the issue relating to the situation in Abkhazia, George (see annex).

I should be grateful if the present letter were circulated as a document of the Security Council.

(*Signed*) Vitaly I. **Churkin**
Permanent Representative

08-26604 (E) 100308

## Annex to the letter dated 10 March 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

## Russian Federation withdraws from regime of restrictions established in 1996 for Abkhazia

6 March 2008

The Ministry of Foreign Affairs of the Russian Federation on 6 March 2008, sent an official note to the Executive Committee of the Commonwealth of Independent States announcing that the Russian Federation, by reason of a change in the circumstances, no longer considers itself bound by the provisions of the Decision of the CIS Council of Heads of State on measures to settle the conflict in Abkhazia, Georgia, of 19 January 1996. That decision had from the said date established a ban on trade, economic, financial, transport and other ties with Abkhazia at a State level.

As is known, the decision was taken in 1996 against the background of the sharp confrontation between the parties in the Georgian-Abkhaz conflict that had continued after the bloody war of 1992-1993. At the time, its purpose was to induce Abkhazia to take a more flexible position, primarily on the issue of the return of refugees and temporarily displaced persons.

Today, the situation has cardinally changed. There have returned to Abkhazia's Gali District most of the refugees of Georgian nationality that lived there previously. Further progress of this process is being impeded by Georgia's rejection of the system for their registration that was proposed by the Office of the United Nations High Commissioner for Refugees.

As to participation in the conflict settlement process, the Abkhaz side has been fulfilling its obligations under the major agreements in this field. It is prepared to take practical steps towards strengthening trust and security in the conflict zone. Against this background the Georgian side does not display a similar constructive approach to implementing the previously reached agreements. Moreover, it actually undermines the negotiation process, having placed in the upper part of the Kodori Gorge of Abkhazia an administrative structure accountable to Tbilisi.

Against this background, maintaining the bans established by the said decision has fully lost its meaning; it is hindering the implementation of economic and social programmes in the region and is causing unjustified hardship for the people of Abkhazia.

The lifting of sanctions against Abkhazia is along the general lines of the long-established principle in international practice of gradual softening and abolition of coercive measures in the case of their targets' compliance with the appropriate requirements of the international community. The United Nations Secretary-General's Group of Friends for Georgia also came out in favour of this attitude and its recommendations were supported by the United Nations Security Council.

The note of the Russian Foreign Ministry contains a proposal that Commonwealth member States should take analogous steps and withdraw from the regime of restrictions against Abkhazia, established in 1996.

United Nations A/62/735–S/2008/169

General Assembly
Security Council

Distr.: General
11 March 2008

Original: English

**General Assembly**
**Sixty-second session**
Agenda items 17 and 18

**The situation in the Middle East**

**Question of Palestine**

**Security Council**
**Sixty-third year**

## Identical letters dated 10 March 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you and the members of the international community of a vicious and devastating act of terrorism, which occurred in our capital city of Jerusalem last week.

Late Thursday evening, 6 March 2008, a terrorist infiltrated the Mercaz Harav yeshiva (rabbinical seminary) and opened fire on a crowded library and study hall, killing eight young men: Segev Peniel Avihail, 15; Neria Cohen, 15; Yonatan Yitzhak Eldar, 16; Yehonadav Haim Hirschfeld, 19; Yohai Lifshitz, 18; Doron Meherete, 26; Avraham David Moses, 16; Ro'i Roth, 18. Eleven others were wounded during the attack. The victims of this terrorist attack, most of them teenage boys, have been stolen away from this world, their families, and their people. They were coldly and callously murdered just footsteps away from the seat of the Israeli Government and our most cherished religious, educational, and cultural institutions, in the Kiryat Moshe neighbourhood of Jerusalem.

My delegation notes with appreciation the Secretary-General's unqualified condemnation of this terrorist attack, and the efforts of the President of the Security Council and other members of the Council to condemn the attack and steward the international community towards adopting a statement deploring this act of terrorism, as it has done in so many previous situations. But the Council could not reach consensus due to the politicized opposition of one member in particular, which is highly disturbing and greatly disappointing. Surely, there can be no excuse or explanation for this terrorist attack, and any attempt to justify terrorism — by blocking its condemnation — is disingenuous, counter-productive, and morally reprehensible.

At the same time, my delegation greatly appreciates the numerous expressions of sympathy shared with us by Member States and those in the Secretariat during the past few days.

08-26828 (E) 120308

I should be grateful if you would have the contents of this letter circulated as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations A/ES-10/416–S/2008/170

General Assembly
Security Council

Distr.: General
12 March 2008

Original: English

**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Sixty-third year**

## Identical letters dated 11 March 2008 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I am compelled to draw your attention to the fact that Israel, the occupying Power, continues to construct and expand settlements in the Occupied Palestinian Territory, especially in and around East Jerusalem, further entrenching its illegal colonization and occupation of the Territory in grave breach of international law, particularly the Fourth Geneva Convention.

Israel's pursuit of such illegal settlement activities is in direct contravention of its obligations under the road map, which was endorsed by the Security Council in resolution 1515 (2003) to freeze all settlement activity, and presents yet another threat to the fragile peace process, which continues to suffer blow after blow as a result, inter alia, of such systematic violations.

In this regard, immediately after the resumption of the peace process with the convening of the Annapolis Conference in late November, Israel announced continuation of settlement construction in Occupied East Jerusalem at Jabal Abu Ghneim ("Har Homa"). This announcement damaged the renewed peace process, raising serious doubts regarding Israel's good faith in negotiations as it continues pursuing such illegal, destructive actions and creating more physical obstructions with which to contend on the road to achieving a just and lasting peace settlement.

Despite the international rejection of these actions and the impact on the peace process, Israel has now announced Prime Minister Ehud Olmert's approval of the construction of 750 new units in the "Givat Ze'ev" settlement north of East Jerusalem. Plans for 400 new settlement units in the Nabi Ya'coub neighbourhood in East Jerusalem were also recently declared. These announcements come just a few days before the planned meeting of the trilateral committee, headed by United States Lt. General William Fraser, to discuss practical measures for implementing road map obligations, including the complete cessation of settlement activities. At the same time, armed, militant Israeli settlers continue to commit acts of violence and to

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harass and terrorize Palestinians in the Occupied Palestinian Territory. The situation is particularly acute in the city of Al-Khalil (Hebron), where tensions remain high and the Palestinian civilian population lives under constant anxiety and fear due to such violent and inflammatory actions by fanatical settlers.

All of these colonization activities are illegal. Article 49 (6) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, stipulates that "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Furthermore, when committed wilfully and in violation of the Conventions or the Protocol, such acts are regarded as grave breaches under article 85 (4) (a) of Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I).

Regrettably, despite the law; despite multiple United Nations resolutions calling upon Israel to immediately cease all settlement activities; despite the determination by the International Court of Justice, in its advisory opinion of 9 July 2004, that Israel's settlement activities constitute breaches of international law; and despite the total contradiction to the existence of the peace process, Israel has never ceased its illegal colonial settlement activities. land confiscations, settlement construction and expansion, construction of Israeli-only bypass roads and establishment of settlement outposts, as well as the construction of the wall, continue unabated in the Occupied Palestinian Territory, including in East Jerusalem, fragmenting the Territory and undermining its contiguity, integrity and unity.

Israel's colonization activities are also extremely provocative. Such illegal actions undermine the peace process, poisoning the atmosphere between the two sides, sapping whatever momentum has been generated and diverting energies, and negatively taint the process, calling into question Israel's credibility in negotiations. Indeed, the illegal settlement campaign and the peace process clearly cannot coexist, for these actions threaten the peace process as a whole, as they physically undermine the future prospects for achieving the two-State solution of Israel and Palestine, living side by side in peace and security on the basis of the 1967 borders.

All of this is being committed by the occupying Power simultaneously with its ongoing military campaign in the Occupied Palestinian Territory, its intense siege of the Gaza Strip, its many measures of collective punishment against the civilian population and countless other violations it is committing against the Palestinian people under its occupation. The pressure and harm inflicted on both the Palestinian people and the peace process as a result cannot be underestimated.

In the light of these developments, it is incumbent upon the international community, particularly the Security Council, to compel Israel, the occupying Power, to cease all illegal settlement activities and to abide scrupulously by all of its obligations under international law. Israel should also be called upon to rescind its recent decisions and urged to take confidence-building measures to indicate its seriousness in addressing this critical issue. Such steps are vital for calming and improving the atmosphere, reviving momentum and helping to advance the peace process towards its stated goals.

The present letter is in follow-up to our previous 311 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 3 March 2008 (A/ES-10/415-S/2008/150), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Feda **Abdelhady Nasser**
Chargé d'affaires a.i.

United Nations S/2008/171

Security Council

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12 March 2008
English
Original: English/French

## Draft resolution

*The Security Council*,

*Recalling* its previous resolutions, in particular resolutions 1649 (2005), 1771 (2007), 1794 (2007) and 1797 (2008), and the statements by its President concerning the Democratic Republic of the Congo and the Great Lakes region,

*Reaffirming* its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and the Republic of Rwanda as well as all States in the region,

*Expressing* its grave concern at the continued presence of the Forces démocratiques de libération du Rwanda (FDLR), ex-Rwandan Armed Forces (ex-FAR)/Interahamwe, and other Rwandan armed groups referred to in the joint communiqué (S/2007/679) of the Governments of the Democratic Republic of the Congo and the Republic of Rwanda signed in Nairobi on 9 November 2007 ("the Nairobi Communiqué") operating in the eastern Democratic Republic of the Congo, which continue to pose a serious threat to the peace and security of the entire Great Lakes region,

*Deploring* the persistence of violations of human rights and international humanitarian law carried out by the FDLR, ex-FAR/Interahamwe, and other Rwandan armed groups operating in the eastern Democratic Republic of the Congo, *condemning* in particular sexual violence perpetrated by those groups, *recalling* its resolutions 1325 (2000) on women, peace and security and 1612 (2005) on children in armed conflict and the conclusions endorsed by the Security Council on Children And Armed Conflict in the Democratic Republic of Congo (S/AC.51/2007/17),

*Recognizing* the commitment and sustained efforts of the Democratic Republic of the Congo, the Republic of Rwanda, other countries of the region and their international partners to solve their common security concerns and achieve and sustain regional peace and stability, as expressed in particular in the Nairobi communiqué and the Conclusions of the high-level meeting of the Tripartite Plus Joint Commission held in Addis Ababa on 4 and 5 December 2007,

*Recalling* the signing in Nairobi on 15 December 2006 of the Pact on Security, Stability and Development in the Great Lakes Region, and *underscoring* the commitments not to support rebel armed groups and to cooperate with a view to disarming and dismantling existing rebel armed groups,

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*Welcoming* the decision of the Government of the Democratic Republic of the Congo to hold a meeting in Kisangani to address the issue of the presence of FDLR, ex-FAR/Interahamwe and other Rwandan armed groups in the Democratic Republic of the Congo,

*Supporting* the ongoing efforts of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to promote the voluntary disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of these groups,

*Expressing also* its grave concern at the continued presence of other armed groups and militias in the eastern part of the Democratic Republic of the Congo, which perpetuate a climate of insecurity in the whole region, *underscoring* that the statements of commitment (*Actes d'engagement*) signed in Goma on 23 January 2008, together with the Nairobi communiqué, represent a major step towards the restoration of lasting peace and stability in the Great Lakes region, *calling on* the signatories to the Goma statements of commitment to take immediate action in support thereof, and *expressing* its intention to continue to monitor closely their implementation,

1. *Demands* that all members of the FDLR, ex-FAR/Interahamwe, and other Rwandan armed groups operating in the eastern Democratic Republic of the Congo immediately lay down their arms and present themselves without any further delay or preconditions to Congolese authorities and MONUC for their disarmament, demobilization, repatriation, resettlement and reintegration;

2. *Demands also* that the FDLR, ex-FAR/Interahamwe, and other Rwandan armed groups operating in the eastern Democratic Republic of the Congo immediately stop recruiting and using children, release all children associated with them, and put an end to gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence, and *stresses* the need for those responsible to be brought to justice;

3. *Recalls* MONUC's mandate to facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants, and to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to support operations led by the integrated brigades of the Armed Forces of the Democratic Republic of the Congo (FARDC) with a view to disarming the recalcitrant armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process;

4. *Calls upon* the Governments of the Democratic Republic of the Congo and the Republic of Rwanda to intensify their cooperation to implement their commitments under the Nairobi communiqué, in particular with a view to creating the conditions conducive to the repatriation of demobilized combatants;

5. *Recalls* that the targeted measures including a travel ban and an asset freeze imposed by paragraphs 13 and 15 of resolution 1596 (2005) were extended by resolutions 1649 (2005) and 1698 (2006) to apply in particular to political and military leaders of armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups, and *stresses* that those measures are applicable to leaders of the FDLR, ex-FAR/Interahamwe and other Rwandan armed groups designated in accordance with the provisions of those resolutions;

6. *Undertakes* to consider in its forthcoming review of the measures described in paragraph 5 above, expanding their applicability, as appropriate and taking into account participation in or contribution to the DDRRR process, to other members of the FDLR, ex-FAR/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo or to persons providing other forms of assistance to them;

7. *Stresses* that the arms embargo imposed by resolution 1493 (2003), as expanded by resolution 1596 (2005), prohibits the provision of arms and any related materiel or technical training and assistance to all foreign armed groups and illegal Congolese militias in the Democratic Republic of the Congo, including the FDLR, ex-FAR/Interahamwe, and other Rwandan armed groups;

8. *Calls upon* Member States to consider taking the measures necessary to prevent the provision by their nationals or from their territories of any financial, technical or other forms of support to or for the benefit of the FDLR, ex-FAR/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo;

9. *Reiterates* its call on all States to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda;

10. *Decides* to remain actively seized of the matter.

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Security Council

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12 March 2008

Original: English

**Letter dated 10 March 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council**

I wish to take this opportunity to make a few comments on the latest special report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea (S/2008/145) dated 3 March 2008.

My delegation finds it regrettable that the overall thrust of the special report misses another valuable opportunity to underscore and tease out the significance of what is at stake for regional peace and security. As has been underlined on various occasions, the fundamental pillars of international law at stake are the sovereignty and territorial integrity of a United Nations member State and the supremacy of the rule of law. Yet, the nine-page special report literally dwells on minor symptoms of the disease without making any serious efforts at diagnosing or finding a cure.

The report blames Eritrea for a number of shortcomings with respect to the situation of United Nations troops in Eritrea. For the sake of brevity, they will not be enumerated in the present letter; please refer, however, to documents S/2008/156 and S/2008/148, which provide Eritrea's views on each of the alleged impediments mentioned in the report. The fact of the matter is that Eritrea had no role in all of the major decisions that affected the status of the United Nations Mission in Ethiopia and Eritrea (UNMEE) in Eritrea. As noted in the report, the decision to temporarily relocate UNMEE troops from Eritrea to Ethiopia was done through closed consultation between the Secretary-General and Prime Minister Meles Zenawi of Ethiopia during the African Union summit at the end of January 2008. But Eritrea was kept in the dark about this important decision until the day before the United Nations troops began to cross the border into Ethiopia.

The report also discusses the regrouping of the United Nations troops to the city of Asmara. A movement of armed United Nations troops to the capital obviously has serious security implications. At any rate, force reconfigurations of that magnitude cannot be taken without the knowledge and consent of the host country. And yet no consultations were held between the Secretariat of the United Nations and the relevant Eritrean authorities.

In general, the overall flow of information, when provided, from the United Nations to the relevant authorities in Asmara has been incomplete, sketchy, ill-timed or tardy. Even at this late hour, there is still lack of clear information from the Secretariat to the Government on critical matters that pertain to the future status of UNMEE. The special report should have been cognizant of the importance of Eritrea

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to be part of the decision process that affects the status of UNMEE both as a host country of the mission and a concerned party in the matter. In this regard, for decisions on the future of UNMEE it is necessary to hold full and timely consultations with the host country.

The special report also mentions the Secretary-General's preparedness to make available his good offices for the issue at hand. My delegation wishes to caution that any attempt to create alternative mechanisms would be inconsistent with the letter and spirit of the Algiers Agreement. It is important to recall that in its twenty-sixth report, the Eritrea-Ethiopia Boundary Commission, as appropriately quoted in the report of the Secretary-General (S/2008/40 and Corr.1), affirmed that "the boundary between Ethiopia and Eritrea now automatically stands as demarcated by the boundary points (coordinates) listed in the annex to the Commission's Statement of 27 November 2006, and that it considers this decision as binding on the parties. The Commission further asserted that it 'has fulfilled its mandate ...'".

Finally, my delegation wishes to stress that Eritrea has always treated the United Nations peacekeepers with respect and dignity. The spirit of cooperation and hospitality accorded to the United Nations troops that have come to Eritrea to serve in a peacekeeping operation is something to which the troop-contributing countries can attest.

I would be most grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador and Permanent Representative

United Nations S/2008/173

Security Council

Distr.: General
12 March 2008

Original: English

# Second report of the Secretary-General submitted pursuant to Security Council resolution 1757 (2007)

## I. Introduction

1. Under Security Council resolution 1757 (2007), I was mandated to take, in coordination, when appropriate, with the Government of Lebanon, the steps and measures necessary to establish the Special Tribunal in a timely manner, and to report to the Security Council within 90 days and thereafter periodically on the implementation of the resolution.

2. Since my first progress report, dated 4 September 2007 (S/2007/525), substantial progress has been made in a number of areas, including (a) the location of the seat of the Tribunal; (b) the appointment of the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office; (c) the preparation of an estimate of the staffing and financial requirements; (d) the fulfilment of the Tribunal's funding requirements; (e) the establishment of the Management Committee; (f) the transition from the International Independent Investigation Commission to the Tribunal; (g) security issues; and (h) the development of a communication and outreach programme.

3. The purpose of this report is to present the progress achieved since the last report and to provide an outline of the next steps.

## II. Location of the seat

### A. Headquarters agreement

4. On the basis of the statement of the Government of the Netherlands, described in my last report, that it was favourably disposed towards hosting the Tribunal, the Secretariat and the authorities of the Netherlands engaged in negotiations with a view to concluding an agreement concerning the headquarters of the Tribunal. Pursuant to article 8 of the annex to resolution 1757 (2007), a headquarters agreement was to be reached on a tripartite basis between the United Nations, Lebanon and the State hosting the Tribunal. However, paragraph 1 (b) of resolution 1757 (2007) provides that, if the Secretary-General reports that the headquarters agreement has not been concluded as envisioned under article 8 of the annex to the resolution, the location of the seat of the Tribunal shall be determined in

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consultation with the Government of Lebanon and be subject to the conclusion of a headquarters agreement between the United Nations and the State that hosts the Tribunal.

5. On 9 November 2007, I wrote to the Prime Minister of Lebanon seeking his views on the issue of concluding a headquarters agreement as envisioned under article 8 of the annex. On 12 November 2007, he responded, agreeing with my assessment that, under the prevailing circumstances, it would be difficult to pursue a tripartite headquarters agreement to be signed and ratified in a timely manner, as called for in paragraph 3 of resolution 1757 (2007). While expressing approval of the location of the seat of the Tribunal in the Netherlands, the Prime Minister asked that I continue to take all the necessary steps and measures to continue facilitating the process and finalizing a bilateral headquarters agreement.

6. On 14 December 2007, I informed the President of the Security Council of the agreement between the United Nations and the Government of Lebanon that the United Nations should pursue a bilateral headquarters agreement with the Government of the Netherlands, adding that negotiations between the United Nations and the authorities of the Netherlands had been successfully concluded. The agreement provides, inter alia, that the host State has no obligation to let persons convicted by the Special Tribunal serve their sentence of imprisonment in a prison facility on its territory. It also stipulates that the Registrar shall take all necessary measures to arrange the immediate relocation to third States of witnesses who for security reasons cannot return to their home countries after testifying before the Tribunal. On 21 December 2007, representatives of the United Nations and the Netherlands signed the Agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the Special Tribunal for Lebanon. The Agreement was subsequently submitted by the Government to Parliament for approval.

## B. Premises

7. In paragraph 6 of my last report, I indicated that the Legal Counsel of the United Nations, Nicolas Michel, had initiated discussions with the authorities of the Netherlands regarding the modalities of the establishment of the Tribunal and had visited possible sites to house the Tribunal. To determine which site was most suitable, a number of technical assessments of the sites were undertaken, all of which concluded that a building located in the urban area of The Hague was suitable for the purpose of housing the Tribunal. On that basis and after consulting with States that had made significant contributions or pledges to the funding of the Tribunal, on 6 December 2007 the Legal Counsel informed the authorities of the Netherlands that the building identified was the preferred site for the Tribunal, subject to an agreement on its cost. On 7 December 2007, the authorities of the Netherlands made an offer concerning the cost of the building, which was approved by the above-mentioned States on 12 December. Plans for the refurbishment and adaptation of the premises are currently being evaluated.

# III. Appointment of the judges, the Prosecutor, the Deputy Prosecutor, the Registrar and the Head of the Defence Office

## A. The judges

8. In paragraph 9 of my previous report, I indicated that, on 10 July 2007, the Government of Lebanon had forwarded to me, in a sealed envelope, a list of 12 candidates proposed for judicial appointments by the Lebanese Supreme Council of the Judiciary, as set forth in article 2, paragraph 5 (a), of the annex to resolution 1757 (2007). I also informed you that, with a view to my appointing Lebanese and international judges at the same time, on 1 August 2007 the Legal Counsel sent a letter to all Member States, on my behalf, inviting them to consider submitting candidates for appointment as judges of the Tribunal no later than 24 September 2007. The names of 37 international candidates were submitted.

9. In mid-October 2007, after indicating my intention to the Security Council in accordance with article 2, paragraph 5 (d), of the annex, I established a selection panel. The panel was composed of Judge Mohamed Amin El Mahdi (Egypt), who served as judge of the International Tribunal for the Former Yugoslavia from 2001 to 2005, Judge Erik Møse (Norway), currently serving as judge of the International Criminal Tribunal for Rwanda, where he was President of the Tribunal from 2003 to 2007, and the Legal Counsel.

10. In October and November 2007, the Secretariat held consultations with the Government of Lebanon in accordance with article 2, paragraph 5 (c), of the annex, which provides that the Government and the Secretary-General shall consult on the appointment of judges.

11. On 4 December 2007, having interviewed the short-listed candidates, the selection panel made its recommendations to me, which I subsequently accepted. Mindful of security considerations, I will proceed with the formal appointments of the judges and announce their names at an appropriate time in the future. The judges will assume their functions on a date to be determined by me, in consultation with the President of the Special Tribunal, as provided in article 17, paragraph (b), of the annex.

## B. The Prosecutor and the Deputy Prosecutor

12. With a view to identifying candidates for consideration for the position of Prosecutor and taking into account the sensitivity of the matter, from June to September 2007, informal consultations were held with experts in the field. In October 2007, the selection panel (composed of the same members as that for the judges) interviewed candidates for this post. Early in November 2007, the Government of Lebanon was consulted on the appointment of the Prosecutor, pursuant to article 3, paragraph 1, of the annex to resolution 1757 (2007). On 8 November 2007, the selection panel recommended to me that Daniel Bellemare (Canada) be appointed as the Prosecutor. I subsequently accepted the recommendation.

13. On 14 November 2007, I appointed Mr. Bellemare as the Prosecutor of the Special Tribunal pursuant to my authority under article 3 of the annex. He will, however, commence his official duties as the Prosecutor at a later date in keeping with the provisions of the annex. On the same day, after the Security Council took note of my intention, I also appointed Mr. Bellemare to succeed Serge Brammertz as Commissioner of the Investigation Commission. I am of the view that, as called for in article 17, paragraph (a), of the annex, this approach will ensure a coordinated transition from the activities of the Investigation Commission to those of the Office of the Prosecutor of the Special Tribunal.

14. With respect to the Deputy Prosecutor, as I noted in paragraph 13 of my last report, the Government of Lebanon forwarded to me, in a sealed envelope, a list of candidates for the position. In December 2007, pursuant to consultations held between the Government of Lebanon, the Prosecutor-designate of the Special Tribunal and myself, a Deputy Prosecutor was identified. The appointment of the Deputy Prosecutor falls within the authority of the Government of Lebanon, in accordance with article 3, paragraph 3, of the annex.

### C. The Registrar

15. On 13 November 2007, the Legal Counsel sent a letter to Member States on my behalf inviting them to submit nominations for appointment as Registrar of the Special Tribunal by no later than 14 December 2007. Pursuant to that letter, a total of 14 nominations were submitted by States.

16. In accordance with article 4, paragraph 2, of the annex to resolution 1757 (2007), the Registrar will be a staff member of the United Nations. On the basis of the recommendation of the selection panel that I established, on 10 March 2008, I appointed Mr. Robin Vincent as Registrar of the Special Tribunal for a period of three years to commence at a later date, to be determined in the light of the progress achieved in establishing the Tribunal.

### D. The Head of the Defence Office

17. I am in the process of recruiting a Head of the Defence Office. Since my last report, a vacancy announcement for this position has been prepared and is being advertised. In accordance with article 13, paragraph 1, of the statute, I will appoint the Head of the Defence Office in consultation with the President of the Special Tribunal as soon as the latter has been identified.

## IV. Staffing and financial requirements

18. My previous report provided preliminary estimates of the staffing and financial requirements of the Tribunal for three years. In arriving at these global estimates, attention was paid to the experience of other international tribunals, in particular the Special Court for Sierra Leone, which shares characteristics with the Tribunal. A number of issues which may have significant budgetary consequences, such as those relating to the premises of the Tribunal, the terms and conditions of

service for judges and staff, the number of accused persons, witnesses and trials, and the level of security required, have yet to be clarified.

19. The assumptions outlined in paragraph 20 of my previous report remain an important basis for the staffing and financial requirements. However, two additional considerations regarding the conditions of service for the judges and staff of the Tribunal have been raised:

(a) As stated in paragraph 20 (b) of my initial report, the terms and conditions of service for both judges and staff will be guided by those of the judges and staff of the Special Court for Sierra Leone, with appropriate modifications. Specific modifications to those conditions of service are currently under review with due consideration of host country social security requirements and of the Tribunal's location at a family duty station;

(b) Article 17 (a) of the annex to resolution 1757 (2007) provides for appropriate arrangements to be made to ensure that there is a coordinated transition from the activities of the Investigation Commission to the Office of the Prosecutor of the Special Tribunal. As noted by the Commission in its ninth report to the Security Council (S/2007/684, para. 98), transitional activities also rely on the institutional memory and experience gained by its staff. Whereas a principal aspect of the Tribunal's capacity to attract staff of the highest standards depends on competitive compensation practices, consideration is being given to aligning the conditions of service of staff with those prevailing in the United Nations common system in order to maintain a degree of continuity between the staff of the Commission and the Tribunal.

20. Except for the Registrar, who is a United Nations staff member, the terms and conditions of service of staff as described above apply uniformly to all staff recruited by the Tribunal.

21. It was stated in paragraph 21 of my previous report that, at that time, no assumptions could be made concerning the costs involved in providing for a courtroom, detention facility or office accommodation for staff. As the premises of the Tribunal have now been identified, estimated costs in those areas may be integrated into overall financial requirements.

22. The annual rental cost for the building will amount to approximately $5 million and will be paid for the first years by the host State, whose generosity in this regard I applaud. Operating costs for the building are estimated at $1 million per year. Refurbishment packages are currently under review. The packages provide for basic or advanced adaptations of the building in respect of security, holding cells, courtroom and offices.

## V. Funding

23. Pursuant to article 5, paragraph 1, of the annex to resolution 1757 (2007), 49 per cent of the expenses of the Special Tribunal shall be borne by the Government of Lebanon, while 51 per cent shall be borne by voluntary contributions from States. According to paragraph 2 of the aforementioned article, the Secretary-General will commence the process of establishing the Tribunal when he has sufficient contributions in hand to finance the establishment of the Tribunal

and 12 months of its operations plus pledges equal to the anticipated expenses of the following 24 months of the Tribunal's operation.

24. As mentioned in paragraph 27 of my previous report, on 26 July 2007 the Secretariat created a trust fund to receive contributions for the establishment and activities of the Tribunal. On 8 October 2007, I sent a letter to all Member States inviting them to contribute to the trust fund. As at 27 February 2008, the total amount deposited in the trust fund is $29,430,872.15, with firm pledges totalling $16,408,637.34. I am confident that the contributions received, together with other expected contributions, will meet the budgetary requirements for the establishment and the first 12 months of operations of the Tribunal. On 5 December 2007, the States that had made significant contributions or pledges to the funding of the Tribunal unanimously agreed that funds should be managed directly by the Tribunal, as is the case with the Special Court for Sierra Leone, rather than through a United Nations trust fund. I will continue to seek the necessary funds from Member States and urge all to support the Tribunal and assist in this effort.

## VI. Management Committee

25. As stated in paragraph 29 of my previous report, on 9 July 2007 the United Nations and the Government of Lebanon agreed to establish a Management Committee. They further agreed that the United Nations would be entrusted with the establishment of the Management Committee, including the drafting of its terms of reference, in consultation with the Government of Lebanon.

26. Accordingly, in November 2007, the Secretariat prepared, in consultation with the Government, a draft of the terms of reference of the Management Committee and discussed the draft informally with the States that had made significant contributions or pledges to the funding of the Tribunal.

27. As agreed with the Government of Lebanon on 13 February 2008, I formally established the Management Committee and invited the Legal Counsel to facilitate its first meeting.

28. Pursuant to article IV of its terms of reference, the Management Committee will, inter alia: (a) receive and consider progress reports of the Special Tribunal and provide policy direction and advice on all non-judicial aspects of its operations, including questions of efficiency; (b) review and approve the Tribunal's annual budget, take any other necessary financial decisions, and advise the Secretary-General on these matters; (c) ensure that all organs of the Tribunal are operating in as efficient, effective and accountable a manner as possible, and that optimum use is made of resources contributed by donor States, without prejudice to the principle of judicial independence; (d) assist the Secretary-General in ensuring that adequate funds are available for the operation of the Tribunal including the development of fund-raising strategies, in close consultation with the Registrar; (e) encourage all States to cooperate with the Tribunal; and (f) report on a regular basis to meetings of representatives of the Group of Interested States for the Special Tribunal.

29. Article VIII of the terms of reference also provides that the Management Committee will organize regular meetings of representatives of the Group of Interested States and may invite, when it deems appropriate, other interested parties to submit their views regarding the work of the Tribunal.

## VII. Transition from the Investigation Commission to the Special Tribunal

30. Article 17 (a) of the annex to resolution 1757 (2007) calls for appropriate arrangements to be made to ensure a coordinated transition from the activities of the Investigation Commission to the Office of the Prosecutor of the Special Tribunal. Since my last report, a series of measures have been taken and ongoing consultations held between the Secretariat and the Commission aimed at achieving this objective.

31. The possibility of ensuring a transition of personnel from the Investigation Commission to the Office of the Prosecutor has been considered with a view to preserving to the greatest extent possible institutional memory and experience gained by staff.

## VIII. Security

32. The provision of appropriate security measures for personnel and property remains one of the key pillars of the successful establishment of the Tribunal. To that end, the Secretariat is working in close cooperation with the relevant authorities of the Netherlands and Lebanon.

33. In addition, the Secretariat, the Investigation Commission and experts from the International Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone have been working together on developing a strategy for the protection of witnesses. Consultations were recently held to discuss the practical implementation of such measures.

## IX. Communication and outreach

34. The Secretariat has conducted extensive consultations with experts from other international tribunals and a comprehensive communication and outreach strategy was developed. A key objective of the strategy is to ensure that the Tribunal is correctly perceived as a truly independent and impartial judicial body, which functions in accordance with the highest standards of justice. Public documents that provide comprehensive information on the Tribunal are being finalized for the purposes of wide dissemination within Lebanon, the region and the public at large. In addition, work on the establishment of an initial communications capacity for the Tribunal is under way, including the creation of a website.

## X. Next steps

35. In paragraph 34 of my previous report, I had identified three phases in the establishment of the Tribunal: a preparatory phase; a start-up phase; and the commencement of functioning.

## A. Preparatory phase

36. As described above, all the actions relating to the preparatory phase have been undertaken, if not completed:

(a) The Headquarters Agreement has been signed;

(b) The premises for the Special Tribunal have been identified;

(c) The judges, the Prosecutor and the Registrar have been selected;

(d) The Management Committee has been established;

(e) The recruitment process for the Head of the Defence Office has begun;

(f) A draft budget, including a staffing table, has been developed and will be submitted soon to the Management Committee for consideration;

(g) Communication and outreach policies have been prepared.

## B. Start-up and commencement of the Special Tribunal's functioning

37. The start-up phase has now commenced. Work on the preparation of the premises and on the organization of a coordinated transition between the Independent Commission and the Tribunal is being conducted. Once the Registrar starts operating in that capacity, a core unit of Registry personnel will be established in The Hague to assist the Registrar in his functions.

38. The Tribunal will commence functioning in successive phases. I anticipate that early informal consultations among the judges will facilitate the drafting of the rules of procedure and evidence and other necessary documents (such as directives on the assignment of defence counsel, on the detention of persons awaiting trial or appeal, and the code of professional conduct for defence counsel). In addition to the Registrar, the Prosecutor, followed by the pre-trial judge, will start their duties earlier than the other senior officials in order to perform their tasks in an effective and coordinated manner. The President of the Tribunal will also take up his or her duties on a full-time basis at an earlier date to ensure the efficient management and functioning of the Tribunal. The judges of the Trial and Appeals Chambers, as stated in article 17, paragraph (b), of the annex to resolution 1757 (2007), will take office on a date to be determined by me, in consultation with the President of the Tribunal. Until they are called to work on a full-time basis, they will serve on an ad hoc basis to perform their duties.

# XI. Final observations

39. I wish to assure you that the Secretariat is dedicated to continuing to make progress in the establishment of the Special Tribunal for Lebanon in a timely manner as mandated by the Security Council. In this regard, we rely on the generosity and support of Member States. I trust that our common efforts will assist the Government and people of Lebanon towards this important common goal of restoring justice and the rule of law in Lebanon.